



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 5

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

COPY MAILED

JAN 08 2002

OFFICE OF PETITIONS

In re Application of :
Bamholker et al. : DECISION GRANTING PETITION
Application No. 09/927,863 :
Filed: 10 August, 2001 :
Atty's Docket No. 10200/101 :
This is a decision on the petition filed on 12 October, 2001,

requesting that the above-identified application, including one (1) sheet of drawings containing Figures 6-7, be accorded a filing date of 10 August, 2001.

On 10 August, 2001, the application was filed.

On 14 September, 2001, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of 10 August, 2001, but that Figures 6 and 7 described in the specification appeared to have been omitted.

In response, on 12 October, 2001, one (1) sheet of drawings containing Figures 6 and 7, the present petition, and a petition fee were filed. Petitioners argue that one (1) sheet of drawings containing Figures 6 and 7 was filed with the other application papers on 10 August, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on 12 October, 2001. The postcard receipt shows an Office date stamp of 10 August, 2001, and the above-identified application number, and acknowledges receipt, *inter alia*, of 4 sheets of drawings. Petitioners request that the application, including the one (1) sheet of drawings containing Figures 6 and 7, be accorded a filing date of 10 August, 2001.

A review of the record reveals that three (3) sheets of drawings, containing Figures 1-5 are located among the application papers deposited on 10 August, 2001. However, the evidence is convincing that the application papers deposited on 10 August, 2001, included one (1) sheet of drawing containing Figures 6 and 7 as described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawing containing Figures 6 and 7 as described in the specification, is entitled to a filing date of 10 August, 2001.

The "Notice" mailed on 14 September, 2001, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, No. 23-1925.

The application will be processed and examined using the one (1) sheet of drawing containing Figures 6 and 7 supplied on 12 October, 2001.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 10 August, 2001, using the application papers filed on 10 August, 2001, and the one (1) sheet of drawing containing Figures 6 and 7, supplied on 12 October, 2001.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy